

AO 106 (Rev. 04/10) Application for a Search Warrant

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

for the
District of New Mexico

APR 24 2017

MATTHEW J. DYKMAN

CLERK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)The premises located at 422 Tecolote Street, Las Vegas,
NM, and the person of Spencer Lovato,
Social Security Number xxx-xx-6867

Case No. 17mr 319

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The premises located at 422 Tecolote Street, Las Vegas, NM, and the person of Spencer Lovato, Social Security Number xxx-xx-6867, as described in Attachment A.

located in the State and District of New Mexico, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 2252A(a)(2)(A) Certain activities relating to material constituting or containing child pornography

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

SA Michael Mahycz

Printed name and title

Sworn before me by reasonable electronic means.

Date: 04/24/2017

City and state: Albuquerque, New Mexico

Judge's signature

Laura Fashing, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I, Michael Marycz, being duly sworn, do hereby depose and state:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), currently assigned to the Santa Fe Resident Agency of the Albuquerque Division, and have been so employed since 2012. I am authorized to investigate violations of Federal Criminal Law and possess the authority to execute warrants issued under the authority of the United States.
2. This affidavit is in support of an application by the United States of America for a search warrant for the premises located at 422 Tecolote Street, Las Vegas, NM, as well as the person of Spencer Lovato, social security number xxx-xx-6867, as described in Attachment A. There is probable cause to search the locations described in Attachment A for evidence of violations of Title 18 U.S.C. § 2252A - certain activities relating to material constituting or containing child pornography, further described in Attachment B. The information set forth in this affidavit has been derived from my own investigation, or communicated to me by other sworn law enforcement officers or from other reliable sources.
3. Because this affidavit is being submitted for the limited purpose of securing a search warrant, Affiant has not included all known facts concerning this investigation. Affiant has set forth only the facts that are believed necessary to establish probable cause to support a search warrant to secure evidence and instrumentalities of violations of 18 U.S.C. § 2252A.

II. RELEVANT STATUTES

4. This investigation concerns alleged violations of 18 U.S.C. § 2252A, certain activities relating to material constituting or containing child pornography, specifically:
 - a. 18 U.S.C. § 2252A(a)(2)(A) prohibits knowingly receiving or distributing any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or

1 foreign commerce by any means, including by computer.
2

3 **III. CHARACTERISTICS OF CHILD PORNOGRAPHY COLLECTORS**
4

- 5 5. Based on your Affiant's training and experience, many individuals who possess,
6 distribute, trade, and/or produce child pornography do so because they are sexually
7 attracted to children. They facilitate their sexual arousal through imagery that focuses, in
8 part or in whole, on children. Additionally, these individuals often collect child
9 pornography. Knowing that this material is illegal, and can be generally difficult to
10 acquire, these individuals will collect and store as much material as they can. These
11 individuals are also highly likely to collect other paraphernalia related to their sexual
12 interest in children. This material is sometimes referred to as "child erotica" which is
13 defined as any material, relating to children, that serves a sexual purpose for a given
14 individual.
- 15 6. In addition to their interest child pornography and child erotica, these individuals may
16 derive sexual gratification from actual physical contact with children. Some child
17 pornography collectors reinforce their fantasies, often by taking calculated steps aimed at
18 turning the fantasy into reality in some or all of the following ways: collecting and
19 organizing their child related material; masturbating while viewing the child
20 pornography; engaging children, online and elsewhere, in conversations, sometimes
21 sexually explicit conversations; interacting, both directly and indirectly, with other like-
22 minded adults through membership in organizations catering to their sexual preference
23 for children thereby providing a sense of acceptance and validation within a community;
24 gravitating to employment, activities and/or relationships which provide access or
25 proximity to children; and frequently persisting in the criminal conduct even when they
26 have reason to believe the conduct has come to the attention of law enforcement.
- 27 7. Persons with a sexual interest in children often maintain and possess their material in the
28 privacy and security of their homes or some other secure location, such as a private office
29 or work computer. The collection may include sexually explicit or suggestive materials
30 involving children, such as photographs, magazines, narratives, motion pictures, video

1 tapes, books, slides, drawings, computer images, computer videos, or other visual media.
2 Because they put so much time and energy into obtaining the material, they do not delete
3 or destroy their collections.

4 8. Based on your Affiant's training and experience, persons with an interest in child
5 pornography often keep their mobile communication devices on their person, close at
6 hand, or in their primary residence. They often keep previously used mobile
7 communication and storage devices to store images of child pornography, to build and
8 maintain their collection of images.

9 9. Based on your Affiant's training and experience, individuals that are "on the run" from
10 law enforcement employ many different techniques, and go to great lengths, to avoid
11 capture and/or to hide evidence of their crimes. One method is to live in a recreational
12 vehicle, such as a mobile home, where they are physically removed from their primary
13 residence and they have another location in which to store their digital devices and child
14 pornography collection.

15 10. Recent studies have shown that those who collect child pornography are more likely to be
16 "contact offenders" with children. Most recently, Bourke, Fragomeli, Detar, Sullivan,
17 Meyle, and O'Riordan published an article in March 2014 in the Journal of Sexual
18 Aggression entitled "The Use of the Tactical Polygraph with Sex Offenders." They found
19 that 57.5% of those under investigation solely for possession, receipt, or distribution who
20 were polygraphed at or near the time of the execution of a search warrant admitted to
21 hands-on offenses against children. (They disclosed 170 previously unknown victims.)
22 In a study published in the Journal of Abnormal Psychology, Vol. 15, No. 3, pp. 610-
23 615, by Seto, Cantor, and Blanchard, titled "Child Pornography Offenses Are a Valid
24 Diagnostic Indicator of Pedophilia," the authors concluded an interest in child
25 pornography is a strong indicator of pedophilia. In December, 2010, Seto, Hanson, &
26 Babchishin, published an article entitled "Contact Sexual Offending by Men With Online
27 Sexual Offenses," in Sexual Abuse: A Journal of Research and Treatment. This article
28 was a meta-analysis of a number of studies of possessors of child pornography. This was
29 a meta-analysis of 24 studies of possessors of child pornography. In the studies that relied
30 only upon subsequent arrests and/or convictions, the number of contact offenses with

1 children ran from 4.6% to 13.3%. In the three studies in which the subjects were subject
 2 to polygraph examinations, the percentages ranged from 32.3% to 84.5%, with the middle
 3 study finding 55.3%. In the remaining three studies which relied only upon self-reporting,
 4 the numbers ranged from 32.8% to 57.4%. Each of the last three studies was unique. In
 5 Neutze, Seto, Schaefer, Mundt, & Beier (in press at this time), the subjects were in
 6 Germany. They had sought counseling on their own and were not referred by the criminal
 7 justice system. In the venue where the study was conducted, therapists were not legally
 8 required to report the admissions of their subjects (36.5%). In Quayle & Taylor (2003),
 9 the number of subjects was sample small (23) and had established good rapport with the
 10 therapists (47.8%). Finally, in Coward, Gabriel, Schuler, and Prentky (2009), the subjects
 11 reported anonymously (32.8%). In performing their statistical analysis of these studies,
 12 Seto, Hanson, & Babchishin concluded that more than 50% of those convicted of
 13 "possession only" admitted to at least one contact offense, when one relied on more than
 14 an arrest or conviction for a new offense.

15 16 **IV. DETAILS OF INVESTIGATION**

17
18 11. On or about December 27, 2016, a chat began between Kik users "clfuntimes29" and
 19 "hereforfun2224." Both users discussed child pornography and traded files that appeared
 20 to be child pornography. The following are two examples of the video files that
 21 "hereforfun2224" shared during the conversation:

- 22 a. File name: 6b6e9283-7587-4b64-a6eO-46da3e9a1c83.mp4 - a bearded adult male
 23 licks the mouth of a naked infant child and then passionately kisses the child; the
 24 male then places his mouth on the child's penis and proceeds to lick his penis.
- 25 b. File name: f04ec44e-5c74-414a-a002-3e750e57ed6d.mp4 - a naked adult male
 26 has anal sex with a pre-pubescent boy who is wearing only a white t-shirt.

27 12. In addition to sharing files that appear to contain child pornography, "hereforfun2224"
 28 disclosed that a female friend was the surrogate to his soon to be born son. The
 29 following, which took place on 12/28/2016, was quoted from the conversation:

- 30 a. hereforfun2224: Cant wait to have my son.... Its gonna be so fun.... This picture

- 1 defines my parenting haha
- 2 b. [file sharing between the two users]
- 3 c. clfuntimes29: Mmmm
- 4 d. clfuntimes29: Do you have one on the way?
- 5 e. hereforfun2224: Yeah haha... I just found out its a boy too!!! Cant fucking wait
- 6 man. My friend wanted to be my surrogate. So i said yeah. She has kids of her
- 7 own but yeah. This one will be mine. Single parent haha
- 8 f. hereforfun2224: Its gonna be fucking great.... Just me and my son.... naked and
- 9 free....
- 10 g. [additional conversation and file sharing between the two users]
- 11 h. hereforfun2224: Fuck yeah man!!! I cant fucking wait.... my cock is so hard
- 12 thinking of it
- 13 i. clfuntimes29: When is he due
- 14 j. hereforfun2224: In 6 months..... Right around my birthday.... My own little cock
- 15 sucker all to myself.... Fuck im gonna love being a dad
- 16 k. clfuntimes29: Hell yes
- 17 l. clfuntimes29: Gonna rape him right away
- 18 m. hereforfun2224: Not right right away... I want my friend to breastfeed for about a
- 19 month or two... then start training him.... like that boy that fucks his baby
- 20
- 21 13. As the chat progressed, "hereforfun2224" disclosed more of his plan to sexually abuse his
- 22 son:
- 23 a. clfuntimes29: You gonna share your son with other pedos?
- 24 b. hereforfun2224: Fuck yeah man! Especially if they are hot haha.... two hot dudes
- 25 with rock hard boners playing with my son.... fuck yeah
- 26 c. [additional conversation and the two appear to exchange files of their penises]
- 27 d. clfuntimes29: Man your boy is going to love that
- 28 e. hereforfun2224: Fuck!! Great pedo cock bro!! Love that youre hairy! I know...
- 29 hes gonna love dick as much as i do haha
- 30 f. clfuntimes29: Mmmm
- 31 g. clfuntimes29: Just be careful no one finds out
- 32 h. hereforfun2224: Oh no... Im gonna get me a place way outside of city limots.
- 33 Home school my kid cuz i think the education system is bullshit anyways. Raise
- 34 him my way. Ill teach him not to say anything. Then one day... when he has a son
- 35 of his own... we can keep the family tradition.
- 36
- 37 14. Later during the chat, "hereforfun2224" added the following:
- 38 a. clfuntimes29: What about your friend
- 39 b. clfuntimes29: the surrogate

- 1 c. hereforfun2224: I told her i just wanted to be a single parent dad. We have a
2 signed agreement. I mean ill keep her updated on how he is doing. And take him
3 to supervised visits. But i wont let him out of my sight until i know he can keep it
4 between us
5 d. clfuntimes29: Hot
6 e. hereforfun2224: I have it all planned out.... now just to wait haha
7

8 15. On January 5, 2017, the topic of the soon to be born son was discussed again:

- 9 a. hereforfun2224: dude still so excited for my son man.....
10 b. clfuntimes29: I bet
11 c. clfuntimes29: How much longer
12 d. [file sharing between the two users]
13 e. hereforfun2224: a couple months. February. so almost!!!!
14 f. hereforfun2224: got any real good vids?
15 g. clfuntimes29: I bet your are so excited
16 h. [file sharing between the two users]
17 i. hereforfun2224: oh fuck man!!!
18 j. hereforfun2224: i cant wait!!!
19 k. clfuntimes29: I am so jealous of you
20 l. hereforfun2224: Its gonna be the best ever man... i cant wait until i can show his
21 everything...
22 m. clfuntimes29: I can't wait to see it
23 n. clfuntimes29: Will you show me live
24 o. hereforfun2224: fuck yeah man. im so down. im gonna be naked with him all time
25 haha
26 p. clfuntimes29: Mmm
27 q. hereforfun2224: sucking my sons cock.... fucking his ass.... teaching him how to
28 suck my cock.... its gonna be so good man
29 r. [additional conversation and file sharing between the two users]
30 s. clfuntimes29: So would you actually come visit
31 t. hereforfun2224: id be down man..... It would have to be super legit tho.... You
32 sure you arent a cop?
33 u. [additional conversation and file sharing between the two users]
34 v. clfuntimes29: Are you gonna send me vids of you and your boy
35 w. [additional conversation and file sharing between the two users]
36 x. hereforfun2224: all the time man... im gonna make home videos... gonna get a
37 bad ass camera and just constantly film haha
38

39 16. On January 10, 2017, the topic of the soon to be born son was mentioned again:

- a. clfuntimes29: When is he due
- b. hereforfun2224: February 10. 1 more month. so almost any day now

17. On March 23, 2017, "hereforfun2224" sent a message to "clfuntimes29" stating that his son had been born and that he was waiting for the mother to finish breastfeeding so he could begin the sexual abuse. The user of "hereforfun2224" later stated that he had an erection while recently bathing his newborn son.

18. Two Administrative Subpoenas were served on Kik requesting subscriber information, as well as the most recent IP addresses, connected to "hereforfun2224." Kik provided two subpoena returns and the following was discovered: the account was created on 09/18/2016; the email address used to register the Kik account was "mysterymann2224@gmail.com;" all Kik application logins were made via Sprint's mobile network or a Wi-Fi network; and the user was known to have used a Samsung S6 mobile telephone. Two specific IP addresses, shown to be used on certain dates, were identified and researched. The first, 174.28.231.80, was assigned to Century Link; the second, 67.131.78.233, was assigned to Desert Gate Internet ("DGI").

19. An Administrative Subpoena was served on Century Link for the IP address 174.28.231.80 for the dates 01/17/2017, 01/18/2017, and 01/31/2017. The subpoena return provided that the subscriber of the IP address on those dates was Christopher White, with service at 713 Kane Drive, Las Vegas, New Mexico 87701.

20. An Administrative Subpoena was served on DGI for the IP address 67.131.78.233 for the dates 01/21/2017 and 03/02/2017. The subpoena return provided that on those dates, the subscriber of the IP address was a restaurant called B3 Barbecue ("B3B"), with service at 131 Bridge St, Las Vegas, New Mexico 87701. The DGI representative noted that B3B had two networks set up inside the restaurant, a private network and a public network. For the 01/21/2017 connection to the Kik application, the user utilized the B3B private network; for the 03/02/2017 connection, the user utilized the B3B public network. The DGI representative also stated that his organization set up both networks and he knew the private network to have restricted access. He believed that the only individuals given access to the private network were B3B employees.

- 1 21. An Administrative Subpoena was served on Google Inc. for the subscriber information
2 for the email "mysterymann2224@gmail.com." The subpoena return listed consistent
3 logins to the Google account between 10/29/2016 and 01/03/2017, from IP address
4 75.111.115.177. The IP address was found to be assigned to Yanaa/SuddenLink
5 ("YSL").
- 6 22. An Emergency Production Request was served on YSL for the IP address
7 75.111.115.177. The return listed the subscriber as Cisco Jones, 609 W. Yucca Avenue,
8 Clovis, New Mexico 88101.
- 9 23. A Clovis Police Department officer was contacted to see if he could provide information
10 about the occupants of 609 W. Yucca Avenue. He provided a list of potential occupants,
11 and included the name Spencer Lovato ("Lovato"), a 24 year old male that was recently
12 pulled over for a traffic violation and indicated his address to be 609 W. Yucca Avenue.
13 As detailed below further, investigation revealed that Lovato is linked to 609 W. Yucca
14 Avenue, 713 Kane Drive, and B3B. The investigation to date has not identified any other
15 individual with links to all three of these locations.
- 16 24. An Emergency Request was served on Facebook for Spencer Lovato's account. The
17 return listed the registered email address as "lovatospencer2224@gmail.com" and the
18 telephone number as (505)718-9729.
- 19 25. An Emergency Request was served on Sprint for subscriber information pertaining to
20 telephone number 505-718-9729. Sprint provided the following: Lovato was the
21 subscriber for 505-718-9729 and his Account Billing Address, effective 11/17/2016, was
22 609 Yucca Avenue, Clovis, New Mexico 88101. Four devices were known to have been
23 used with Lovato's account, including a Samsung Galaxy S6 and a Boost LG Stylo 2,
24 known to be the current active device.
- 25 26. The following information is known about the user of "hereforfun2224" and
26 "mysterymann2224@gmail.com" ("User"): between 10/29/2016 and 01/03/2017, User
27 was known to have logged into the gmail account at 609 W. Yucca Avenue, Clovis, NM;
28 on 01/17/2017, 01/18/2017, and 01/31/2017, User logged into the Kik account at 713
29 Kane Drive, Las Vegas, NM; on 01/21/2017 and 03/02/2017, User logged into the Kik
30 account from B3B; User was known to have used a Samsung S6 mobile telephone to

1 access the Kik account; and, during the aforementioned time period, User also accessed
2 both the gmail and Kik accounts via IP addresses assigned to the Sprint mobile network.

3 27. The following information is known about Lovato: he is a Sprint mobile customer; as
4 detailed below further, his mobile telephone number was 505-718-9729, but changed to
5 505-718-8244 on 04/05/2017; his Sprint account records showed multiple devices had
6 been used, including a Samsung S6 and a Boost LG Stylo 2; as of 11/17/2016, he
7 received his Sprint bill at 609 W. Yucca Avenue; he received State of New Mexico
8 Income Support Division benefits at 609 W. Yucca Avenue; he was employed by an
9 Allsup's convenience store located in Clovis, New Mexico during 4Q 2016; in 2016, he
10 indicated to the Guadalupe County Magistrate Court in Santa Rosa that his address was
11 713 Kane Drive; and, as of 03/30/2017, he worked at B3B.

12 28. On April 5, 2017 and April 6, 2017, pursuant to a search warrant issued by the United
13 States District Court for the District of New Mexico, attempts were made to locate
14 Lovato by pinging the mobile telephone number 505-718-9729 with negative results.
15 Pinging involves trying to locate the physical location of a mobile telephone via GPS or
16 cell tower data provided by the mobile service provider. The mobile phone appeared to
17 be turned off as no GPS coordinates were obtained. Sprint was contacted on 04/06/2017
18 and advised that the target phone number had been changed on 04/05/2017. Sprint also
19 advised that a new mobile device had been acquired on 03/31/2017. The new telephone
20 number assigned to the new device was provided as: 505-718-8244, with IMSI
21 310120149230691.

22 29. During an interview, Lovato's former employer ("B.M.") advised that Lovato terminated
23 his employment on 04/03/2017. B.M. also stated that Lovato knew that law enforcement
24 officers were attempting to locate him. According to B.M., Lovato's last known
25 residence was 422 Tecolote Street, Las Vegas, NM.

26 30. Subsequent attempts were made to locate Lovato by pinging his new mobile telephone
27 number with mixed results. It was determined that his phone was active, and was still
28 located in Las Vegas, NM, but a precise location could not be found because he was
29 turning his mobile phone on and off dozens of times a day. Ultimately, between 04/18

1 and 04/22, multiple pings of Lovato's phone indicated that the phone was consistently
2 located at 422 Tecolote Street, Las Vegas, NM.

3 31. Physical surveillance of 422 Tecolote Street, conducted during the week of April 17,
4 2017 through April 21, 2017, revealed that a travel trailer was parked immediately behind
5 the first structure on the lot. The travel trailer was a light-colored vehicle that appeared
6 to have an attachment that allowed for hook up to another vehicle for mobile transport.
7 The travel trailer also appeared to have a living quarters. Information received from
8 pinging Lovato's phone showed that the camper was also a possibility for the phone's
9 physical location.

10 32. Based on the above facts, and that individuals that engage in child pornography often use
11 multiple on-line mediums, as well as multiple devices, to facilitate and/or hide their
12 criminal activity, Affiant concludes that there is probable cause to believe that evidence
13 of violations of 18 U.S.C. § 2252A is to be found on the person of Spencer Lovato and at
14 the premises known and described as 422 Tecolote Street, Las Vegas, NM.

15
16 **V. SEARCH AND SEIZURE OF COMPUTER SYSTEMS**

17 33. Searches and seizures of evidence from computers, including cellular telephones,
18 commonly require agents to download or copy information from the computers and their
19 components, or seize most or all computer items (computer hardware, computer software,
20 and computer related documentation) to be processed later by a qualified computer expert
21 in a laboratory or other controlled environment. This is almost always true because of the
22 following:

- 23
24 a. Computer storage devices (like hard disks, diskettes, tapes, laser disks, magneto
25 opticals, and others) can store the equivalent of millions of pages of information.
26 Especially when the user wants to conceal criminal evidence, he or she often
27 stores it in random order and/or with deceptive file names. This requires
28 searching authorities to examine all the stored data to determine whether it is
29 included in the warrant. This sorting process can take days or weeks, depending
30 on the volume of data stored, and it would be generally impossible to accomplish

1 this kind of data search on site.

- 2
- 3 b. Searching computer systems for criminal evidence is a highly technical process
- 4 requiring expert skill and a properly controlled environment. The vast array of
- 5 computer hardware and software available requires even computer experts to
- 6 specialize in some systems and applications, so it is difficult to know before a
- 7 search which expert should analyze the system and its data. The search of a
- 8 computer system is an exacting scientific procedure which is designed to protect
- 9 the integrity of the evidence and to recover even hidden, erased, compressed,
- 10 password protected, or encrypted files. Because computer evidence is extremely
- 11 vulnerable to tampering or destruction (which may be caused by malicious code
- 12 or normal activities of an operating system), the controlled environment of a
- 13 laboratory is essential to its complete and accurate analysis.
- 14

15 **VI. SEARCH PROTOCOL**

16

17 34. To search for electronic data contained in computer hardware, computer software, and/or

18 memory storage devices, the examiners will make every effort to use computer forensic

19 software to have a computer search the digital storage media. This may include the

20 following techniques (the following is a non-exclusive list, as other search procedures

21 may be used):

- 22 a. Searching for image files to locate images of children engaging in sexually
- 23 explicit conduct or child erotica, examining electronic communications related to
- 24 the distribution or receipt of child pornography, examining log files associated
- 25 with the receipt, transmission, and viewing of such images, examining metadata
- 26 of such images, and examining all of the data contained in such computer
- 27 hardware, computer software, and /or memory storage devices to view the data
- 28 and determine whether that data falls within the items to be seized as set forth in
- 29 the search warrant;
- 30 b. Surveying various file directories and the individual files they contain;
- 31 c. Searching for and attempting to recover any deleted, hidden, or encrypted data to
- 32 determine whether that data falls within the list of items to be seized as set forth in
- 33 the warrant (any data that is encrypted and unreadable will not be returned unless
- 34 law enforcement personnel have determined that the data is not (1) an
- 35 instrumentality of the offenses, (2) a fruit of the criminal activity, (3) contraband,
- 36 (4) otherwise unlawfully possessed, or (5) evidence of the offenses specified

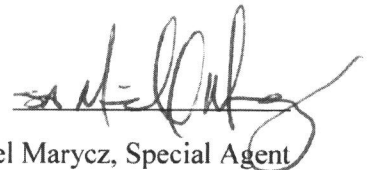
- 1 above);
- 2 d. Opening files in order to determine their contents;
- 3 e. Scanning storage areas;
- 4 f. Searching for malware (computer code not intended by the user) in order to, if
- 5 necessary, rebut a defense that malware caused the receipt, possession or
- 6 distribution of child pornography;
- 7 g. Performing keyword searches through all electronic storage areas to determine
- 8 whether occurrences of language contained in such storage areas exist that are
- 9 likely to appear in the evidence described in Attachment B; and/or
- 10 h. Performing any other data analysis technique that may be necessary to locate and
- 11 retrieve the evidence described in Attachment B.
- 12

13 **VII. CONCLUSION**

- 14 35. Based on the foregoing information, Affiant respectfully submits that there is probable
- 15 cause to believe the items identified in Attachment B have been used in the commission
- 16 of a crime and constitute evidence of violations of 18 U.S.C. §§ 2252A, and that evidence
- 17 as described in Attachment B will be found at the premises to be searched as provided in
- 18 Attachment A.
- 19 36. Affiant requests this court issue a search warrant for the premises located at 422 Tecolote
- 20 Street, Las Vegas, NM, as well as the person of Spencer Lovato, as described in
- 21 Attachment A, authorizing the search for items described in Attachment B, and the
- 22 seizure of such items for the purpose of searching and analyzing them in a controlled
- 23 environment.
- 24

25 I swear this information is true to the best of my knowledge and belief.

26 Respectfully submitted,

27 

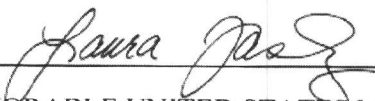
28 Michael Marycz, Special Agent

29 Federal Bureau of Investigation

30

31

1 Sworn before me by reasonable electronic means this 24th day of April, 2017.

2
3  _____

4 HONORABLE UNITED STATES MAGISTRATE JUDGE

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AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT

ATTACHMENT A

PREMISES TO BE SEARCHED

1. The premises located at 422 Tecolote Street, Las Vegas, NM, described as two structures, a reddish-brown stucco house with an aluminum roof located on the front of the lot, and a beige-colored house with a white roof located in the rear of the lot.
2. All outbuildings located at 422 Tecolote Street, Las Vegas, NM.
3. The light-colored travel trailer which contains a living quarters, parked on the premises located at 422 Tecolote Street, Las Vegas, NM.
4. The person of Spencer Lovato, being described as a male, approximately 5'6" and 170 lbs., approximately 24 years old, assigned Social Security Number xxx-xx-6867.

ATTACHMENT B

ITEMS TO BE SEIZED

1. Samsung Galaxy S6
2. Boost LG Stylo 2
3. All records, documents, logs, and notes that pertain to the use or access of the following accounts: "hereforfun2224" (Kik); "mysterymann2224@gmail.com" (Google); "lovatospencer2224@gmail.com" (Google).
4. All visual depictions, including: digital images, computer images, photographs, videos, films, other recordings, printed material, or other files made by electronic or mechanical means of minors engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2252 and 2252A, and any mechanism used for the possession or storage of the same.
5. Any computer, computer system and related peripherals including: data processing devices and software (including central processing units); internal and peripheral storage devices (including fixed disks, external hard drives, routers, CD-ROMS, DVD, and other devices determined to be a digital media storage device); iPads; iPods; tablets; mobile telephones; digital cameras; PDAs; MP3 players; other devices determined to be capable of communications; other devices determined to be capable of storing digital media.
6. All materials or items which are sexually arousing to individuals who are interested in minors, but which are not in and of themselves obscene or which do not necessarily depict minors involved in sexually explicit conduct. Such material is commonly known as "child erotica" and includes written materials dealing with child development, sex education, child pornography, sexual abuse of children, incest, child prostitution, missing children, investigative techniques of child exploitation, sexual disorders, pedophilia, nudist publications, diaries, journals, and fantasy writings.
7. All computer passwords, encryption keys, data security devices designed to restrict access to or hide computer software, documentation, or data, or other access devices

1 needed to access seized computers and computer related media. Data security
2 devices may consist of hardware, software, or other programming code.

3 8. All documents, records, e-mails, and internet history (in documentary or electronic
4 form) pertaining to the possession of child pornography.

5 9. All records, documents, invoices, notes and materials that pertain to accounts with
6 any Internet Service Provider, as well as all records relating to the ownership or use
7 of computer or other electronic equipment found in the residence.

8 10. All records, documents, invoices, notes and materials that pertain to accounts with
9 any Mobile Telephone or Cellular Service Provider, as well as all records relating to
10 the ownership of associated devices found in the residence.

11 11. All locked boxes, safes, or containers, as well as any device, mechanism, or part that
12 can be used to restrict access to computer hardware (including physical key locks).